

PATENT COOPERATION TREATY



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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 10 NOV 2003

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Applicant's or agent's file reference P30612AGMU	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB02/02730	International filing date (day/month/year) 14.06.2002	Priority date (day/month/year) 12.02.2002
International Patent Classification (IPC) or both national classification and IPC G09F21/04		
Applicant AGRIPA LIMITED et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 9 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 16.08.2003	Date of completion of this report 07.11.2003	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Whittington, J Telephone No. +49 89 2399-2781 	

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International application No. **PCT/GB02/02730**

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-25 as originally filed

Claims, Numbers

1-44 received on 16.08.2003 with letter of 12.08.2003

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 21,28,40

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 21,28,40 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,36
	No: Claims	
Inventive step (IS)	Yes: Claims	1,36
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1,36
	No: Claims	

2. Citations and explanations

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Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1). Although claims 21, 28 and 40 have been drafted as separate independent claims additional to those examined in this IPER, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

1.1). Hence, these claims do not meet the requirements of Article 6 PCT.

1.2). There should in this case be only a single independent claim in each category followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2). Reference is made to the following documents:

- D1: US 2002/056215 A1 (BAUER PAUL F ET AL) 16 May 2002 (2002-05-16)
- D2: FR-A-2 821 309 (TRANSPORTS MICHEL) 30 August 2002 (2002-08-30)
- D3: US-B1-6 339 889 (BAUER PAUL F ET AL) 22 January 2002 (2002-01-22)
- D4: EP-A-1 001 403 (SCHMIDT KEVIN) 17 May 2000 (2000-05-17)
- D5: US-A-5 845 423 (HICKS CHARLES H) 8 December 1998 (1998-12-08)

3). **Claim 1:**

The present application concerns an advertising panel characterised by the fact that it is constructed from plastic mesh which allows passage of air there through. This mesh

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sheet is attached to a supporting construction, or a vehicle, via a thicker longitudinal edge which slides into a slot on the support structure.

The advantage of the claimed construction over conventional display panels is that the free air passage through the open mesh structure reduces any aerodynamic load on the panel, therefore allowing the panel to be held simply by elongate, slot type fasteners along the longitudinal edges of the panel. With a closed material structure any aerodynamic load, whether caused by wind or by the panel being attached to a moving vehicle, would necessitate more complex fixing and tensioning means to prevent the panel from flapping and lifting.

Claim 36:

The method claim also incorporates the essential inventive features described above, namely the air-permeable plastic mesh substrate and the elongated slot-type fastening, which distinguish this invention from the cited prior art of the ISR.

3.1). Documents D1 and D2 are both published after the now relevant priority date of this application. It is to be noted that, according to the applicant's letter of 17.09.02, the priority is now only claimed from the UK patent No 0203209.2, dated 12.02.02. The priority date of this application is therefore 12.02.02, and not 12.12.02 as stated in the ISR.

3.2). Concerning the remaining documents of the ISR, none of the documents D3-D5 disclose or suggest the use of air permeable plastic mesh sheeting as the basis of an advertising panel, which necessarily leads in D3 and D5 to complex spring, or other, tensioning means along both axes of the panel via special straps to avoid the aerodynamic load. D5 also suggests the technique of wrapping the panel around the edges of the support/vehicle to avoid aerodynamic lift - a measure obviated by the apparatus according to claim 1.

Other comments:

Contrary to the requirements of Article 6 PCT, the claims do not define the relevant subject-matter in terms of a single independent claim in each category, followed by dependent claims covering features which are merely optional in accordance with Rule 6.4 PCT. This should be rectified with the next response.

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The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.

The features of the claims are not provided with reference signs placed in parentheses in accordance with Rule 6.2(b) PCT.